

**THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>IN RE:</b>	:	
<b>SEAN G. FINLEY</b>	:	<b>BK. No. 17-18471-elf</b>
<b>A/K/A SEAN P. FINLEY</b>	:	
<b>DONNA J. FINLEY</b>	:	<b>Chapter No. 13</b>
<b>Debtors</b>	:	
	:	
<b>DEUTSCHE BANK NATIONAL TRUST</b>	:	
<b>COMPANY, AS TRUSTEE FOR ARGENT</b>	:	
<b>SECURITIES INC., ASSET-BACKED PASS-</b>	:	<b>11 U.S.C. §362</b>
<b>THROUGH CERTIFICATES, SERIES 2006-M2</b>	:	
<b>Movant</b>	:	
<b>v.</b>	:	
<b>SEAN G. FINLEY</b>	:	
<b>A/K/A SEAN P. FINLEY</b>	:	
<b>DONNA J. FINLEY</b>	:	
<b>Respondents</b>	:	

**MOTION OF DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR  
ARGENT SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES,  
SERIES 2006-M2 FOR RELIEF FROM AUTOMATIC STAY UNDER §362 PURSUANT TO  
BANKRUPTCY PROCEDURE RULE 4001**

Movant, by its attorneys, PHELAN HALLINAN DIAMOND & JONES, LLP, hereby requests a termination of Automatic Stay and leave to foreclose on its mortgage on real property owned by Debtor SEAN G. FINLEY A/K/A SEAN P. FINLEY A/K/A SEAN FINLEY.

1. Movant is **DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR ARGENT SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-M2.**

2. Debtors, SEAN G. FINLEY A/K/A SEAN P. FINLEY A/K/A SEAN FINLEY is the owner of the premises located at **3447 VISTA STREET, PHILADELPHIA, PA 19136**, hereinafter known as the mortgaged premises.

3. Movant is the holder of a mortgage on the mortgaged premises.

4. Debtors' failure to tender monthly payments in a manner consistent with the terms of the Mortgage and Note result in a lack of adequate protection.

5. Movant wishes to proceed with foreclosure proceedings on the mortgage because of Debtors' failure to make the monthly payment required hereunder.

6. The foreclosure proceedings were stayed by the filing of the instant Chapter 13 Petition.

7. As of June 28, 2018, Debtors have failed to tender post-petition mortgage payments for the months of April 2018 through June 2018. The monthly payment amount for the months of April 2018 through June 2018 is \$986.40 each, less suspense in the amount of \$42.61, for a total amount due of \$2,916.59. The next payment is due on or before July 1, 2018 in the amount of \$986.40. The following fees and costs have been incurred since the bankruptcy was filed: Bankruptcy Fee in the amount of \$500.00, Bankruptcy Fee in the amount of \$250.00, Bankruptcy Fee in the amount of \$500.00, and Bankruptcy Fee in the amount of \$150.00.

8. Movant, **DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR ARGENT SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-M2**, requests the Court award reimbursement in the amount of \$1,031.00 for the legal fees and costs associated with this Motion.

9. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.

10. Movant specifically requests permission from the Honorable Court to communicate with Debtors and Debtors' counsel to the extent necessary to comply with applicable nonbankruptcy law.

11. OCWEN LOAN SERVICING, LLC services the underlying mortgage loan and note for the property referenced in this Motion for Relief for **DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR ARGENT SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-M2** (the noteholder) and is entitled to proceed accordingly. Should the Automatic Stay be lifted and/ or set aside by Order of this Court or if this case is dismissed or if the debtor obtains a discharge and a foreclosure action is commenced or recommenced, said foreclosure action will be conducted in the name of **DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR ARGENT SECURITIES INC., ASSET-**

BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR ARGENT SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-M2 (the noteholder) has the right to foreclose because Noteholder is the original mortgagee or beneficiary or assignee of the security instrument for the referenced loan. Noteholder directly or through an agent has possession of the promissory note and the promissory note is either made payable to Noteholder or has been duly endorsed.

**WHEREFORE**, Movant respectfully requests that this Court enter an Order;

a. modifying the Automatic Stay under Section 362 with respect to **3447 VISTA STREET, PHILADELPHIA, PA 19136** (as more fully set forth in the legal description attached to the Mortgage of record granted against the Premises), as to allow Movant, its successors and assignees, to proceed with its rights under the terms of said Mortgage; and

b. Movant specifically requests permission from this Honorable Court to communicate with Debtors and Debtors' counsel to the extent necessary to comply with applicable nonbankruptcy law; and

c. Granting any other relief that this Court deems equitable and just.

/s/ Jerome Blank, Esquire  
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July 30, 2018